

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Application of ARIDA, LLC, Earl Management LTD, Finenergoinvest, LLC, Alexey Grachev, Applicants.	Civil Action No. 1:19-MC-00522
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***EX PARTE* APPLICATION FOR AN ORDER
PURSUANT TO 28 U.S.C. § 1782 TO CONDUCT DISCOVERY
FOR USE IN FOREIGN PROCEEDINGS**

Applicants ARIDA, LLC, Earl Management LTD, Finenergoinvest, LLC, and Alexey Grachev (collectively, “Applicants”), by and through the undersigned counsel, Anna V. Brown, Esq. and Timur Zubaydullin, Esq. of Brown Legal Consulting, LLC, hereby apply for an Order pursuant to 28 U.S.C. § 1782 and Rules 26, 30, and 45 of the Federal Rules of Civil Procedure, granting Applicants leave to serve subpoenas¹ for testimony and production of documents on the persons and corporate entities² found within the Southern District of New York, for use in foreign proceedings pending in Russia³ and in contemplated civil actions for fraud, civil money laundering, conversion and other claims in Russia and/or other jurisdictions.

¹ Copies of the subpoenas are attached as Exhibits 1-11 to Declaration of Anna V. Brown, Esq. (the “Subpoenas”).

² The Subpoenas are directed to individuals – Daniel Mishin, Vladislav Mishin, and Boris Korol; corporate entities – June Homes US, Inc., a/k/a Rezidenz, Inc., June NY, LLC, a/k/a Residenz, LLC, and June NY 1, LLC, a/k/a Residenz 1, LLC; and banks located within this district identified in Brown Declaration (collectively, “Respondents”).

³ The foreign proceedings are pending civil and bankruptcy actions in Moscow Commercial Court, Russia: *Bankruptcy of Brio Finance*, Case No. A40-141847/2019-184-156; *Bankruptcy of Brio Invest*, Case No. A40-161382/2019; *Bankruptcy of Vladislav Mishin*, Case No. A41-49412/2019; *Earl Management LTD v. Brio Finance*, Case No. A40-51699/19-182-452; and

For reasons set forth in this Application, the accompanying Memorandum of Law, and supporting Declarations and Exhibits attached thereto, which are submitted contemporaneously with this Application, this Application meets each of § 1782's statutory requirements, as well as the discretionary factors, and should be granted.

WHEREFORE, Applicants respectfully request that this Court enter an Order:

1. Granting their Application for discovery pursuant to 28 U.S.C. §1782;
2. Authorizing Applicants to take discovery from the Respondents, by issuing the Subpoenas;
3. Authorizing Applicants to issue additional subpoenas for depositions and/or production of documents on issues within the scope of the Application consistent with the Federal Rules of Civil Procedure; and
4. Directing the Respondents to comply with the subpoenas issued in this case in accordance with the Federal Rules of Civil Procedure and the Rules of this Court.

Dated: November 13, 2019

Respectfully Submitted,

/s/ Anna V. Brown

Anna V. Brown, Esq.

Licensed in NJ & PA

Application pro hac vice pending

/s/ Timur Zubaydullin

Timur Zubaydullin, Esq.

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pending criminal case *Russian Federation v. Vladislav Mishin*, Moscow Regional Department of the Ministry of Internal Affairs Criminal Case No. 119014225000156. Applicants ARIDA, Alexey Grachev and FEI are also plaintiffs in other civil proceedings, in which Khoroshevsky District Court in Moscow, Russia, entered default judgments: *ARIDA, LLC v. Brio Finance*, Case No. 2-2630/19; *Alexey Grachev v. Brio Invest, Vladislav Mishin*, Case No. 02-1896/2019; and *Finenergoinvest, LLC, v. Brio Finance*, Case No. 2-2710/19.

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